

# CITY OF PLYMOUTH

Category:	City Water Services	Policy # 2020-01
Title:	Residential Water Service Discontinuation Policy	

## PURPOSE OF POLICY:

This policy enumerates the City of Plymouth’s administrative actions for the collection of residential delinquent accounts, including notifications, charges, and discontinuation of water service. This policy will be made available to the public on the City’s website.

As an urban or community water system that supplies water to more than 200 service connections, the City is governed by Senate Bill No. 998 Chapter 891, Water Shutoff Protection Act.

### 1) General

- a) This Policy applies only to disconnection of residential water service for nonpayment. The City’s existing ordinances, resolutions, policies, and procedures shall continue to apply to non-residential water service accounts and to disconnection of residential water service for other reasons, including the termination of a service connection by the City due to a customer violation of any other ordinance, rule, regulation, or policy of the City. In the event of any conflict between this Policy and any other ordinance, rule regulation, or policy of the City, this Policy shall prevail. In the event of any conflict between this Policy and state law, state law shall prevail.
- b) **Customer Responsibility:** Under applicable City ordinances, resolutions, policies, and procedures, bills for water service are rendered to each customer on a monthly basis. And are due and payable on the first day of the month following the close of the billing period. And shall be delinquent if not paid within fifteen days from that date. Upon delinquency, a penalty of ten (10) percent of the balance due for that billing period shall be charged. It is the customer’s responsibility to ensure that payments are received at the City’s office in a timely manner. Payment may be made to the City’s office, online, by phone or to the address for remittance of mailed payments.
- c) **Availability of Policy:** The City shall provide this Policy and all written notices given under this Policy in English, Spanish and in any other language spoken by at least 10 percent of the people residing in the City’s service area or required by Civil Code section 1632. This Policy shall be posted and maintained on the City’s internet website.
- d) **Contact Telephone Number:** The City can be reached at (209) 245-6941 Ext 253 for assistance concerning the payment of water bills and to discuss options for stopping disconnection of residential service for nonpayment.

## 2) Disconnection of Residential Water Service for Nonpayment.

- a) **60-day Delinquency Period:** The City shall not disconnect residential water service for nonpayment of a service bill until a customer's payment has been delinquent for 60 days.
- b) **Reminder Notice:** An account that remains unpaid after the 15<sup>th</sup> of the month of water and/or sewer billing is considered delinquent. A penalty of ten (10) percent of the balance due for that billing period shall be charged. A reminder notice will be sent to the customer explaining the delinquent amount and providing the original due date will be sent out five (5) business days after delinquency.
- c) **10-Day Notice:** Not less than 10 days before disconnection of residential service for nonpayment, the City shall contact the customer named on the account by written notice. If mailing address is different from property address, the notice will be placed in a conspicuous location at the property.
  - 1) The notice will include:
    - I. Customer's name and mailing address
      - i. "Occupant" will take place of customer's name and mailing address if placed at the property
    - II. Amount of the delinquency
    - III. Date by which payment or arrangement for payment is required in order to avoid disconnection of residential water service
    - IV. A description of the process to apply for an extension of time to pay the delinquent charges
    - V. A description of the procedure to petition for bill review and appeal
    - VI. A description of the procedure by which the customer may request a deferred, reduced or alternative payment schedule, including an amortization of the delinquent residential service charges, consistent with this Policy.
    - VII. The City's telephone number, business & mailing address, website and hours of operation of the City.
  - 2) If mailing of the written notice is returned through the mail as undeliverable, the City shall place in a conspicuous place a notice of imminent disconnection of residential service for nonpayment.
- d) **5-Day Notice (Final Notice):** The City shall make a reasonable, good faith effort to contact an adult residing at the premises by posting in a conspicuous location at the property, a notice of termination of service at least 5 days prior to termination.
  - 1) This notice will include:
    - I. "Occupant" will take place of customer's name
    - II. Amount of the delinquency
    - III. Date by which payment or arrangement for payment is required in order to avoid disconnection of residential water service
    - IV. The City's telephone number, business & mailing address, website and hours of operation of the City.

- e) **Service Restoration information:** Upon disconnection, the City shall provide the customer with information on how to restore residential service. Which will require payment of the full balance on account and reconnection fee of up to \$50 during regular business hours.

### 3) **Restrictions on Disconnection of Water Service:**

- a) The City shall not disconnect residential water service for nonpayment of a service bill until a customer's account has been delinquent for 60 days
- b) The City shall not disconnect residential service in any of the following situations:
  - I. During the time that the City is investigating a customer dispute or complaint under Section 8 of this Policy
  - II. When a customer has been granted an extension of the period for payment of a bill
- c) The City shall not disconnect residential service if **ALL** of the following conditions are met:
  - I. The customer, or a tenant of the customer, submits to the City the certification of a primary care provider, as defined in section 14088(b)(1)(A) of the Welfare and Institutions Code, that disconnection of residential service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the property where residential service is provided.
  - II. The customer demonstrates that he or she is financially unable to pay for residential service within the City of Plymouth's normal billing cycle. The customer shall be deemed financially unable to pay for residential service within the City of Plymouth's normal billing cycle if any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.
  - III. The customer is willing to enter into an alternative payment arrangement, consistent with the provisions of Section 4 of this Policy.
- d) The City is prohibited from terminating water service to any customer or tenant of a customer on any Saturday, Sunday, legal holiday, or outside of its normal operating hours
- e) Residential Customers who are 65 years of age or older, or who are dependent adults as defined in Welfare and Institutions Code section 15610.23 shall be notified that they may request the City notify a designated third person when the Customer's account is past due and subject to termination.

### 4) **Alternative Payment Arrangements**

- a) Options: Upon request, the City will consider the following options with a delinquent customer to avert discontinuation of residential service for nonpayment:
  - I. Amortization of the unpaid balance
  - II. Participation in an alternative payment schedule

- III. A partial or full reduction of the unpaid balance, financed without additional charges to other ratepayers
- IV. Temporary deferral of payment  
(Collectively “Payment Arrangements.”)
- b) City Administration: The City’s Manager, or his or her designee, may choose which of the Payment Arrangements described in Section 4(a), option. Ordinarily, the Payment Arrangement offered should result in payment of any remaining outstanding balance within 12 months. The City may charge an administrative fee for the cost of administering Payment Arrangements under the provision. The City Manager, or his or her designee, is authorized to prepare and approve a Payment Arrangement Agreement with a customer consistent with this Section 4.
- c) Customer Obligations: If the City and customer enter into a Payment Arrangement under this Section 4, the customer shall comply with the agreement or other arrangement and remain current on any new water service charges as they are billed in reduction of any unpaid charges on subsequent bills while paying delinquent charges under an alternative payment arrangement. Commencing on the date the first payment arrangement is entered into, customers who fail to comply with any agreed payment arrangement will not be eligible to establish future payment arrangements for a period of 24 months, except as otherwise prohibited by law.

**5) Disconnection After Failure to Comply with Alternative Payment Arrangements**

- a) If the City and customer enter into any Payment Arrangement under Section 4, the City may disconnect service no sooner than five business days after the City posts a final notice of intent to disconnect service in a prominent and conspicuous location at the property under either of the following circumstances:
  - I. The customer fails to comply with the Alternative Payment Arrangements
  - II. Temporary deferral of payment
- b) The notice of termination under this Section 5 shall include all of the following information:
  - I. The customer’s name and address
  - II. Notice of the customer’s noncompliance with the Payment Arrangement
  - III. The Payment Arrangement or other conditions the customer must satisfy in order to avoid termination
  - IV. The City’s telephone number, business & mailing address, website and hours of operation of the City.

**6) Disconnection in Master Meter Landlord-Tenant Situations**

- a) Applicability: This section applies to City service through an individual meter to a detached single-family dwelling, a multi-unit residential structure, mobile home park, or permanent residential structure in a labor camp, only if the owner, manager or operator is the customer of record, and there is a landlord-tenant relationship between the residential occupants and the owner, manager, or operator of the building.
- b) Notice: The City shall make every good faith effort to inform the residential occupants, by means of written notice, when the account is in arrears that service will

be terminated at least 10 days prior to the termination. This notice shall further inform the residential occupants that they have the right to become City customers, to whom the service will then be billed, without being required to pay any amount which may then be due on the delinquent account.

- c) Service to Occupants: The City is not required to make service available to the residential occupants unless each residential occupant agrees to the terms and conditions of City water service and meets the requirements of law and the City ordinances, rules, regulations, and policies. However, if one or more of the residential occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the City, or if there is a physical means legally available to the City of selectively terminating service to those residential occupants who have not met the requirements of the City's ordinances, rules, regulations, and policies, the City shall make service available to those residential occupants who have met those requirements. Lease or rental agreement required.
- d) Proof of Credit: If prior service for a period of time is a condition for establishing credit with the City, residence and proof of prompt payment of rent or other credit obligation acceptable to the City for that period of time is a satisfactory equivalent.
- e) Detached Single-Family Dwellings: In the case of a detached single-family dwelling, the City may do any of the following:
  - I. Give notice of termination at least seven days prior to the proposed termination
  - II. In order for the amount due on the delinquent account to be waived, require an occupant who becomes a customer to verify that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. Waived amount may be applied to Tax Roll.

## 7) Procedure to Contest or Appeal a Bill

A customer may appeal or contest the amount set forth in any bill for residential water service pursuant to the following procedure:

- a) General Appeal: Within five days of receipt of the bill for water service, a customer has a right to request an appeal or review of any bill or charge rendered by the City. The request must be made in writing and be delivered to the City office. For so long as the customer's appeal and any resulting investigation is pending, the City cannot disconnect water service to the customer
- b) 10-Day Notice Appeal: In addition to the appeal rights under subsection (a) above, a customer who receives a 10-Day Notice described in Section 2(c) of this Policy may request an appeal or review of the bill to which the notice relates within five business days of the date of notice. However, no such appeal or review rights shall apply to any bill for which an appeal or request for review under subsection (a) above, has been made. Any appeal or request for review under this subsection must be in writing and request for an appeal must be delivered to the City's office within five-day period. For so long as the customer's appeal and any resulting investigation is pending, the City cannot disconnect water service to the customer.

**c) Appeal Process:**

- I. Following receipt of a request for an appeal or review under subsections (a) or (b), above, the City's Manager, or his or her designee shall evaluate the request for review and supporting material provided by the customer the information on file with the City concerning the water charges in question. Within 10 days after receipt of the customer's request for review, The City's Manager, or his or her designee shall render a decision as to the accuracy of the water charges set forth on the bill and shall provide the appealing customer with a brief written summary of the decision.
- II. If water charges are determined to be incorrect, the City will provide a corrected invoice and payment of the revised charges will be due within 10 calendar days of the invoice date for revised charges. If the revised charges remain unpaid for more than 60 calendar days after the corrected invoice is provided, water service will be disconnected. Prior to disconnection, the City shall provide the customer with the 10-Day Notice in accordance with Section 2(c), above. Water service will only be restored upon full payment of all outstanding water charges, penalties, interest, and any applicable reconnection charges.
- III. If the water charges in question are determined to be correct, the water charges are due and payable within 3 business days after receipt of The City's Manager's, or his or her designee's decision. At the time the decision is rendered, the customer will be advised of the right to further appeal to the City Clerk within 30 days of the date the account becomes delinquent, or within 10 days after the receipt of the denial from The City's Manager, or his or her designee, whichever is later. The City's Manager, or his or her designee will issue a written determination within 15 days. Any such appeal must be filed in writing within 10 business days after receipt of The City's Manager, or his or her designee decision. The appeal hearing will occur before an impartial hearing officer, as selected by the City Manager, within a reasonable time.
- IV. If the customer does not timely appeal, the water charges in question shall be immediately due and payable. In the event the charges are not paid in full within 60 calendar days after the original billing date, then the City shall provide customer with the 10-Day Notice in accordance with Section 2(c), above, and may disconnect water service to the customer's property if the outstanding bill is not timely paid.
- V. When a hearing is requested, the customer will be required to personally appear before the hearing officer if physically able, and present supporting material and reasons as to why the water charges on the bill in question are not accurate. The hearing officer shall evaluate the evidence presented by the customer, as well as the information on file with the City concerning the water charges in question (including the City's Manager, or his or her designee decision) and any staff presentation, and render a decision as to the accuracy of the charges. The decision shall be final and binding.

- VI. If the Hearing Officer finds that the water service charges in question are incorrect, the customer will be invoiced for the revised charges. If the revised charges remain unpaid for more than 60 calendar days after the corrected invoice is provided, water service will be disconnected, on the next regular working day after expiration of the period. The City shall provide the customer with the 10-Day Notice in accordance with Section 2(c), above, and may disconnect water service to the customer's property if the outstanding bill is not timely paid
- d) Any overcharges due from the City will be reflected as a credit on the next regular bill to the customer.
  - e) Water service to any customer shall not be disconnected at any time during which the customer's appeal to the City's Manager, or his or her designee or Hearing Officer is pending.